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September 8, 2021

REDACTED VERSION
VIA ECF

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Giuffre v. Dershowitz*, Case No.: 19-cv-03377-LAP

Dear Judge Preska:

Defendant Alan Dershowitz (“Professor Dershowitz”) respectfully submits this pre-motion letter to request that the Court allow him to make a limited disclosure of a Settlement Agreement and General Release (the “Release”) executed by Plaintiff Virginia Giuffre (“Ms. Giuffre”) which she has designated as confidential in discovery in this action. Professor Dershowitz seeks to disclose the Release on a confidential basis to counsel for Prince Andrew in *Giuffre v. Prince Andrew, Duke of York*, 1:21-cv-06702-LAK. [REDACTED]

On November 17, 2009, Ms. Giuffre executed the Release in connection with the settlement of *Jane Doe 102 v. Jeffrey Epstein*, No. 09-80656 (S.D. Fla. May 4, 2009). The Release is attached hereto as Exhibit A, submitted under seal. [REDACTED]

[REDACTED] Ms. Giuffre’s 2009 lawsuit against Epstein included an express allegation that she had been sexually trafficked to royalty, *see Exhibit B* at ¶ 21, an allegation which she later admitted referred to HRH Prince Andrew, Duke of York. *See Exhibit C* at p. 5. As a result, there is no doubt that Ms. Giuffre was aware of her alleged claims against Prince Andrew before she agreed to the Release (assuming her claims have any actual basis in fact). [REDACTED]

As this Court is aware, after Professor Dershowitz invoked this very same Release, Ms. Giuffre voluntarily dismissed her claim for battery against Professor Dershowitz on August 12, 2021. *See* ECF No. 330. Yet, on August 9, 2021, nearly two weeks after Professor Dershowitz had invoked the Release via letter to Ms. Giuffre’s counsel in this action, Ms. Giuffre, through separate counsel, filed her complaint against Prince Andrew.

In a letter to counsel dated July 28, 2021, I raised specific concerns under Fed. R. Civ. P. 11 about Ms. Giuffre having made a claim against Professor Dershowitz [REDACTED]

[REDACTED] While Ms. Giuffre’s counsel in this action appropriately responded by voluntarily dismissing her battery claim against Professor Dershowitz, [REDACTED]

[REDACTED] I have a professional obligation to make sure that there is no possibility [REDACTED]

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[REDACTED]

When producing the Release in discovery in this matter, Ms. Giuffre designated it confidential under the Protective Order, ECF No. 227. She has refused to withdraw that designation for the limited purpose of providing the Release to counsel for Prince Andrew. *See Exhibit D.* Jeffrey Epstein's estate has similarly refused to permit the disclosure of the Release to Prince Andrew.¹ Professor Dershowitz accordingly seeks the Court's intervention.

There is no legitimate justification for blocking the disclosure of the Release to Prince Andrew. First, the existence of the Release is a matter of public record, having been expressly referenced in the Stipulation of Partial Dismissal, ECF No. 330, filed by Ms. Giuffre in this matter. [REDACTED]

[REDACTED] Indeed, Ms. Giuffre's counsel in executing the Release, Robert Josefsberg, Esq., has independently produced a copy of the Release in this litigation with the settlement amount redacted but otherwise without any confidentiality designation. Professor Dershowitz would be justified in providing at least the version produced by Mr. Josefsberg to counsel for Prince Andrew, but given that Ms. Giuffre has refused to withdraw her confidentiality designation over the version of the document that she produced (with the settlement amount unredacted), Professor Dershowitz in an abundance of caution seeks permission from the Court before making any disclosure.

Respectfully submitted,

/s/ Howard M. Cooper
Howard M. Cooper

cc: Plaintiff's counsel of record, via ECF

¹ Professor Dershowitz recognizes that Epstein too is a party to the Release. Accordingly, he has provided a copy of this letter motion to counsel for Epstein's estate.